

PRESENTATION BEFORE THE COMMISSION ON OCEAN POLICY

**AMBASSADOR MARY BETH WEST
DEPUTY ASSISTANT SECRETARY FOR OCEANS AND FISHERIES
DEPARTMENT OF STATE
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I appreciate the Commission's invitation to the State Department to make a presentation today, in recognition of the international elements that are inevitably intertwined with a national oceans policy. Because the oceans and their resources do not recognize national boundaries, international cooperation is necessary to resolve most oceans issues, and the United States has been a world leader on the international oceans stage. To protect our national security, as well as our economic and environmental interests, we must continue in that role.

I will describe the process through which international oceans policies are developed and implemented and highlight some of the challenges we face in furthering U.S. oceans interests internationally. I will focus on issues where, in the view of the State Department, recommendations by the Commission would be of particular value.

Issues affecting international ocean policy generally flow through four levels of government – local, national, regional, and global – as they move from identification of an issue, to negotiation of a solution, to implementation of that solution. The global and regional levels must be linked with the national and local levels to ensure that international solutions meet local and national needs.

Issues are normally identified at the local level. Solutions may be conceived at the local or national level, and then negotiated at the regional or global level.

These solutions, which may take the form of treaties or other international agreements, are then implemented back at the national and local levels. Your briefing book includes an illustration of this process.

The State Department performs two vital functions in this process. First, it serves to bring Federal agencies together to develop and pursue comprehensive, unified international oceans policy. One institutional mechanism for this is the Oceans Policy Coordinating Committee, established by the National Security Council and chaired by the State Department. Second, the Department is the agency facilitating the diplomatic process. While State is not usually the lead agency for substantive oceans issues, its role as facilitator, coordinator, and negotiator requires full awareness of the substance and context, and adequate resources to maintain that expertise and pursue the international oceans agenda.

Fisheries provide a good example of this process cycle. If stocks found only in our own EEZ are overfished, state agencies or the appropriate fishery management council can stop that overfishing and restore the stocks. But many overfished stocks are also harvested on the high seas or in other countries' EEZs. They can't be managed in isolation. Cooperation with other countries is essential.

So, at the national level, we assess the problem, develop potential solutions. And then take those solutions to the regional or global level. For example, when pollock stocks in the Bering Sea became stressed, a regional solution was necessary. We negotiated with Russia, Japan, and other nations fishing those stocks to establish a moratorium until the stocks rebound. When it became clear that broader solutions were needed to strengthen fisheries management and compliance

worldwide, we developed and negotiated global agreements, such as the straddling stocks agreement, the FAO compliance agreement, and FAO plans of action to address overcapacity and illegal fishing.

The rules and regulations established globally or regionally must then be implemented nationally and locally. For example, the State Department, Coast Guard, and the National Marine Fisheries Service are working to implement domestically the FAO plan of action on illegal fishing.

I have used fisheries as an example, but could just as easily have used vessel source pollution or vessel safety, where solutions are generally developed at the International Maritime Organization, and then implemented domestically through the Coast Guard. Or I could have used coral reefs, land-based pollution, or a host of other issues that make up the current international seascape.

Using the process model I have described, let me highlight, from the State Department's view, four of the current international oceans policy issues that may be of interest to the Commission. They will illustrate challenges to successfully navigating the multilevel cycle I have described.

First, the United Nations Convention on the Law of the Sea represents the overarching legal framework governing rights and obligations in the oceans. The United States was deeply involved in all aspects of the development of the Convention, including the notable success we achieved in reshaping its seabed mining provisions in the early 1990s. As you know, the United States is not yet a party to the Convention, although it has long been U.S. policy to act in accordance with its provisions concerning traditional uses of the oceans.

Our non-party status precludes U.S. membership on the Continental Shelf Commission, all of whose members will be elected next spring. The decisions of this commission will significantly affect the oil and gas industry. Non-party status will prevent the U.S. from nominating judges for election next spring to serve on the Law of the Sea Tribunal. It also hampers us in ensuring that our deep seabed mining industry is protected in development of rules by the Seabed Mining Authority. Our challenge is to maintain U.S. oceans leadership, a challenge that we could meet much more easily as a party to the Convention. The Administration therefore supports U.S. accession to the LOS Convention.

Second, the spread of invasive species through the discharge of ship's ballast water has devastated several marine ecosystems throughout the world. Invasions of non-native species, such as the zebra mussel into the Great Lakes, cost the region and our nation hundreds of millions of dollars per year in lost ecosystem capacity and in monitoring and eradication programs. The challenge for the United States lies not in identifying the issues, or in developing and implementing action. The Federal Government has identified actual and potential sources of invasions and has laid a solid foundation for the development of a standards-based international treaty to address this issue through the IMO.

The challenge lies in the development of adequate technologies for use aboard ships that will eliminate harmful aquatic organisms and pathogens, yet allow maritime commerce to flourish. To draft a treaty based on a specific standard, we need an idea of what's technologically possible; but right now, we don't have that knowledge. We are aware that the Commission will look at the

oceans research and development framework. This issue provides an example of the importance of well-coordinated, timely research and development for successful pursuit of our policy agenda.

The third issue concerns coastal management, which the U.S. supports in a number of areas around the world. In the Caribbean, for example, the State Department promotes coastal zone management through participation in the Caribbean Environment Program, or CEP, established in 1981 by 28 nations of the wider Caribbean region. The legal framework for the CEP is the Cartagena Convention, which requires countries to protect, develop, and manage their common coastal and marine resources. The U.S. government (including State, USAID, NOAA, and other agencies) provides technical assistance and training through CEP and on a bilateral basis to the countries of the Wider Caribbean.

The difficulty, however, lies in implementation – in translating the CEP regional programs into national action. This difficulty arises from lack of expertise and resources among the Caribbean countries, particularly the small island States of the Eastern Caribbean. The United States could greatly improve the effectiveness of these regional efforts in a number of ways. For example, we could offer expanded resources to improve agricultural practices by limiting pesticide use and agricultural runoff. We could help develop sewage treatment facilities, assist in the development of protections for ecologically sensitive marine areas, or help develop capacity for information sharing and environmental law enforcement in the region. Since the Caribbean is our neighbor, such programs benefit us directly. Our challenge is to increase the resources available for coastal management efforts,

including fisheries, and to ensure that they are targeted most effectively to support our policy agenda.

Finally, in the wake of the September 11th attacks, the security of the world's marine transportation system must be re-examined. Ships, ports, and offshore terminals all have vulnerabilities capable of being exploited with potentially devastating effects to human life, the economy, and the marine environment. The IMO intends to undertake action in the near future. A resolution that will be introduced at IMO next week will call for a general review of international treaties concerning the safety and security of ships and ports, and the prevention of piracy and acts of terrorism. The U.S. must maintain the lead during the review phase, as shortfalls are identified and solutions developed. The challenge lies in persuading the international community to expand, in a real way, IMO's role in the maritime security arena. The Commission could well examine the potential roles the IMO could play in ensuring worldwide maritime security, and develop appropriate recommendations.

The examples I have given above are intended to be illustrative rather than inclusive. Your briefing books contain short papers on these and a number of other issues where we face challenges, and where the Commission's recommendations would be useful. Thank you for the opportunity to speak with you today.